

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

DORIAN STEPNEY, TRISTAN STEPNEY,)	
DERRICK STEPNEY, and CYNTHIA)	
STEPNEY, individually and on)	
behalf of her minor children)	
DARIUS STEPNEY, RODNEY STEPNEY and)	
TONI STEPNEY,)	07 C 5842
)	
Plaintiffs,)	
)	
v.)	Judge Zagel
)	
CITY OF CHICAGO, City of Chicago Police)	JURY TRIAL DEMANDED
Officers EMMETT MCCLENDON Star # 18077,)	
MARK HEIN, Star # 19700, MELVIN BRANCH,)	
Star # 16163, FRED WALLER, Star # 1822,)	
BRIAN HAWKINS, Star # 18982,)	
STEVEN MALDONADO, Star # 6223,)	
MARTIN TERESI, Star # 11254,)	
MIGUEL CUADRADO, Star # 5437, and)	
ANTHONY SCHULZ, Star # 887,)	
Defendants.)	

**DEFENDANTS' CORRECTED STATEMENT OF UNCONTESTED FACTS
PURSUANT TO LOCAL RULE 56.1(a)(3) IN SUPPORT OF
DEFENDANTS' MOTION FOR PARTIAL SUMMARY JUDGMENT**

Defendants, the City of Chicago ("City"), and Defendant Officers Emmett McClendon ("McClendon"), Mark Hein ("Hein"), Melvin Branch ("Branch"), Fred Waller ("Waller"), Brian Hawkins ("Hawkins"), Steven Maldonado ("Maldonado"), Martin Teresi ("Teresi"), Miguel Cuadrado ("Cuadrado"), and Anthony Schulz ("Schulz"), collectively ("Defendants"), by and through by one of their attorneys, Susan E. Sullivan of SWANSON MARTIN & BELL, LLP, and pursuant to Local Rule 56.1(a)(3), hereby submit the following corrected statement of uncontested facts¹ in support of their motion for partial summary judgment:

¹ The following facts are uncontested for purposes of summary judgment only.

ACTS ATTRIBUTED TO THE INDIVIDUAL DEFENDANTS BY PLAINTIFFS

Plaintiffs' Third Amended Complaint:

1. On the evening of August 28, 2007, Plaintiff Cynthia Stepney, her four children, Plaintiffs Dorian Stepney, Darius Stepney, Toni Stepney, and Rodney Stepney, her nephew, Tristan Stepney, and her brother, Derrick Stepney, all resided in the single family home at 8446 S. Winchester, Chicago, Illinois. See Plaintiffs' Third Amended Complaint, attached hereto as Exhibit A, para. 7, 8.

2. Plaintiffs were all unaware that unknown persons had burglarized the home of Defendant Officer McClendon. Ex. A, para. 9.

3. That evening Plaintiffs came into contact with Chicago Police Officers that were investigating the burglary. Ex. A, para. 10 – 12.

By Cynthia Stepney:

4. On August 28, 2007, at approximately 9:30 p.m. Cynthia Stepney's niece told her that some detectives were at the front door of her home asking to speak to the owner of the house. See Deposition of Cynthia Stepney, attached hereto as Exhibit B, p. 175, ln. 22 – p. 176, ln. 7.

5. Cynthia saw two officers outside her home at that time, one on the porch and one on the walkway. Ex. B, p. 176, ln. 15 – 17.

6. The officer on the porch was "dark-skinned" African American man, a little bit taller than her. Ex. B, p. 176, ln. 18 - 23.

7. Cynthia could not describe the officer on the walkway. Ex. B, p. 176, ln. 24 – p. 177, ln. 8.

8. The officer that was standing on the porch and Cynthia walked away from the kids on the porch and in front of her neighbor's house. Ex. B, p. 178, ln. 11 – p. 179, ln.13.

9. The officer told her that his partner's home had been broken into and that he wanted to do a "walk through" of her home to look around. Ex. B, p. 179, ln. 17 – p. 180, ln. 16.

10. When Cynthia told the officer that she was not comfortable with the officers doing a "walk through" the officer told her that he was going to do it anyway and that he had a search warrant. Ex. B, p. 181, ln. 5 – 18.

11. Two officers got to the steps before Cynthia did and entered the home. Ex. B, p. 181, ln. 23 – p. 182, ln. 14.

12. The officer that Cynthia had spoken to outside also snapped the handcuffs on Tristan. Ex. B, p. 182, ln. 14 – 17.

13. Four officers entered her home on August 28, 2007. Ex. B, p. 126, ln. 12 – 14; p. 183, ln. 23 – p. 184, ln. 8.

14. Two of the officers that entered the house then went downstairs. Ex. B, p. 127, ln. 7 – 20.

15 Cynthia could not identify or physically describe the two officers that entered the house and went downstairs. Ex. B, p. 127, ln. 19 – p. 129, ln. 1.

16. None of the first four officers that entered were Officer McClendon. Ex. B, p. 129, ln. 11 – 15.

17. Cynthia told the officers that they were not permitted to search the house, but they told her they were going to search it anyway. Ex. B, p. 184, ln. 4 – 7.

18. Officer McClendon then ran into the house and began punching Dorian who was in the living room. Ex. B, p. 185, ln. 9 – 17.

19. Cynthia saw Officer McClendon choke Dorian for two to three seconds. Ex. B, p. 165, p. 23 – p. 166, ln. 5.

20. When Dorian was being choked, two officers held Cynthia. Ex. B, p. 162, ln. 7 – p. 163, ln. 1; p. 187, ln. 17 – ln. 4.

21. When Cynthia tried to jerk away, at which time an officer's hand struck her in the face. Ex. B, p. 162, ln. 7 – P. 163, ln. 1.

22. Cynthia could not determine if the officer's strike was direct or indirect, or accidental. Ex. B, p. 162, ln. 7 – P. 163, ln. 1.

23. Cynthia "blacked out" for a period of time when she saw Officer McClendon reach for his gun. Ex. B, p. 189, ln. 10 – p. 190, ln. 8.

24. When Cynthia came to, she was told that Dorian had been handcuffed and placed in a police car. Ex. B, p. 192, ln. 1 – 4.

25. Cynthia then saw four to five officers, including Officer McClendon, come back in the home. Ex. B, p. 192, ln. 15 – 21.

26. Officer McClendon asked to speak to Cynthia alone and apologized to her for the incident. Ex. B, p. 193, ln. 12 – 21.

27. Officer McClendon then asked Cynthia if he could talk to Dorian and apologize to him. Ex. B, p. 195, p. 17 - 20.

28. Officer McClendon and Dorian walked back and talked in another room. Ex. B, p. 195, ln. 21 – p. 196, ln. 4.

29. The officers then stayed in the living room and on the front porch for approximately an hour or more. Ex. B, p. 198, ln. 11- 18.

30. Cynthia described one of the officers that was in the living or on the front porch at that time as a “big tall one” with a ponytail. Ex. B, p. 198, ln. 20 – p. 199, ln. 2.

31. No other police officer or police sergeant came out to her home or arrived at her home later that evening, or the following day. Ex. B, p. 201, ln. 17 – 23.

By Dorian Stepney:

32. Dorian Stepney was downstairs listening to music at his home on August 28, 2007 when he heard noises that caused him to go upstairs. See Deposition of Dorian Stepney, attached hereto as Exhibit C, p. 139, ln. 7 - 11.

33. When he went to go upstairs, Dorian saw two officers looking in Derrick’s room and in Derrick’s closet. Ex. C, p. 140, ln. 4 – 16; p. 141, ln. 3 – 15.

34. Dorian also saw one of the officers that was downstairs come out of the laundry room. Ex. C, p. 143, 2 – 23.

35. Dorian was not sure of the race of the officer that came out of the laundry room, and described him as tall, with a medium build, and with hair. Ex. C, p. 147, ln. 6 – p. 148, ln. 2.

36. Dorian could only describe the officer that was in Derrick’s room as taller than he was and with hair. Ex. C, p. 148, ln. 3 – 22.

37. When Dorian got upstairs, he saw two police officers in the front door and Officer McClendon on the front lawn coming toward the house. Ex. C, p. 139, ln. 11 – 15.

38. Tristan was already in handcuffs when Dorian got upstairs. Ex. C, p. 148, ln. 9 – 13.

39. Dorian could only describe one of the two officers that were in the front door, and only that one had long hair with a ponytail. Ex. C, p. 150, ln. 4 – 21.

40. As soon as Dorian got upstairs, Officer McClendon entered the house and the two of them started arguing. Ex. C, p. 140, ln. 17 – 21.

41. While Dorian and Officer McClendon were arguing, Dorian heard Tristan yell that an officer had twisted his arm, but did not see it. Ex. C, p. 160, ln. 16 – 23.

42. After Dorian told Officer McClendon “We ain’t got your MF’ing shit”, Officer McClendon put hand on him. Ex. C, p. 159, ln. 13 – p. 160, ln. 13.

43. Officer McClendon grabbed Dorian around the neck, choked him, threw him on the couch, and then punched him with his left hand. Ex. C, p. 163, ln. 19 – 164, ln. 18.

44. When Officer McClendon grabbed and punched Dorian, everybody jumped up and two officers carried Dorian out of the house. Ex. C, p. 164, ln. 16 – 21.

45. After the two officers carried Dorian out of the house, the officer whose description he cannot recall walked Dorian past a neighbor’s house and talked to him and then sat Dorian on the porch next to Tristan. Ex. C, p. 169, ln. 10 – p. 170, ln. 6.

46. The officer whose description he cannot recall put Dorian in a police car for talking to Tristan. Ex. C, p. 170, ln. 9 - 24.

47. Dorian was not handcuffed at any time. Ex. C, p. 170, ln. 7 - 22.

48. Dorian did not see any officer punch Tristan. Ex. C, p. 172, ln. 22 – 24.

49. Dorian did not see any officers search the main floor of the house. Ex. C, p. 176, ln. 20 – 24.

50. Dorian did not see any other officers at the scene. Ex. C, p. 177, ln. 9 – 16.

51. Officer McClendon apologized to him after Dorian returned to the house after being let out of the police car. Ex. C, p. 177, 17 – 24.

52. After the incident, Cynthia told Dorian that Officer McClendon had knocked over. Ex. C, p. 183, ln. 12 – 20.

By Tristan Stepney:

53. On August 28, 2007, at approximately 10:00 p.m. Tristan Stepney noticed police cars going up and down the side street while he was sitting outside on the porch of his aunt's home on Winchester with his cousin and friends. See Deposition of Tristan Stepney, attached hereto as Exhibit D, p. 79, ln. 23 – p. 80, ln. 11; p. 87, ln. 19 – p. 88, ln. 8.

54. Tristan saw two officers knocking on the doors of houses across the street and saw one officer speaking to a lady across the street before the officers approached him. Ex. D, p. 96, ln. 7 – p. 99, ln. 14.

55. Tristan described the first male officer as “kind of tall”, “brown skin”, and bald, and the other male officer as “kind of tall”, not in uniform, and Caucasian. Ex. D, p. 93, ln. 22 – p. 96, ln. 16.

56. The two officers approached the porch and the tall, bald officer asked where their parents were. Ex. D, p. 102, ln. 17 – p. 103, ln. 8.

57. After one of the persons on the porch responded that their parents were in the house, the tall, bald officer walked up the porch steps and knocked on the front door while the tall, Caucasian officer waited in front of the house. Ex. D, p. 103, ln. 23 – p. 104, ln. 23; p. 106, ln. 15 – p. 107, ln. 9.

58. After Cynthia came to the door, the tall, bald officer and Cynthia spoke privately by a neighbor's house. Ex. D, p. 109, ln. 1 – 6.

59. Upon their return to the porch, the tall, bald officer asked Cynthia if he could so a “run-through” of the house to look for stolen possessions. Ex. D, p. 109, ln. 7 – p. 110, ln. 16.

60. After Cynthia told the tall, bald officer that they could not come in her house, the tall, bald officer handcuffed Tristan to the porch rail. Ex. D, p. 111, ln. 15 – 19.

61. The tall, bald officer punched Tristan in the stomach before he handcuffed Tristan to the rail. Ex. D, p. 117, ln. 15 -20.

62. The officer cuffed only Tristan's left wrist. Ex. D, p. 126, ln. 10 – 13.

63. The tall, bald officer twisted Tristan's right arm and told him that he was detained when Tristan tried to talk to his mother on the phone. Ex. D, p. 131, ln. 19 – p. 132, ln. 3; p. 133, ln. 1 – 19.

64. The tall, Caucasian officer did go inside the house for approximately forty minutes to one hour. Ex. D, p. 138, ln. 15 – p. 139, ln. 8.

65. Immediately after Tristan was handcuffed, another four or five officers arrived at the house. Ex. D, p. 139, ln. 16 – 20.

66. Tristan believed one of the officers that arrived was Officer McClendon, who he described and "short" and "dark-skinned." Ex. D, p. 139, ln. 23 – p. 140, ln. 24.

67. Tristan believes that one of the officers that arrived had a ponytail and was "Mexican" or "light-skinned." Ex. D, p. 139, ln. 23 – p. 140, ln. 24.

68. Tristan could not describe the other officers that arrived other than that they were male and not wearing police uniforms. Ex. D, p. 141, ln. 1 – 8.

69. The last officer to arrive was a male officer that arrived on a motorcycle and went into the house, but Tristan could not describe him. Ex. D, p. 142, ln. 5 – p. 143, ln. 1.

70. Tristan was handcuffed during the entire incident, for a period of forty minutes. Ex. D, p. 134, ln. 19 – 23.

71. Tristan could not see what went on in the house during the incident. Ex. D, p. 135, ln. 12 – 19.

72. Dorian was brought out of the house in handcuffs by just one officer that Tristan could not describe other than that he was male and not in uniform. Ex. D, p. 145, ln. 5 – p. 146, ln. 3.

73. Dorian had both wrists cuffed together while sitting on the porch and was then walked out to the sidewalk in front of the house, and then to a police car. Ex. D, p. 150, ln. 9 – 23.

74. Dorian was then brought back to sit on the porch. Ex. D, p. 157, ln. 6 – 18.

75. The tall, bald officer removed Tristan's handcuff after the incident. Ex. D, p. 137, ln. 8 – 15.

76. The tall, bald officer never went inside the Stepney house. Ex. D, p. 138, ln. 9 – 14.

77. Tristan never saw any officers arrive to investigate after his uncle Jefty Stepney called for a supervisor, or see any uniformed officers on the scene at any time. Ex. D, p. 172, ln. 5 – 20.

By Darius Stepney:

78. Darius Stepney saw two officers looking through garbage cans in the alley across the street from his home while he sat on the porch with his siblings, cousins, and friends, on the evening of August 28, 2007. See Deposition of Darius Stepney, attached hereto as Exhibit E, p. 74, ln. 1 – p. 75, ln. 23.

79. Darius then saw two more officers come from down the street from the north, approach the porch with flashlights, and ask the kids to get their mother. Ex. E, p. 50, ln. 23 – p. 51, ln. 5; p. 75, ln. 16 – p. 76, ln. 10.

80. Darius saw a “skinny, tall officer” talking to his mother in a neighbor’s yard and heard his mother, Cynthia Stepney tell the officer that he could not come in without a warrant. Ex. E, p. 39, ln. 1 – p. 40, ln. 24.

81. The tall, skinny officer began yelling to bring the papers, but Darius never saw any warrant. Ex. E, p. 40, ln. 20 – p. 41, ln. 12.

82. Tristan was handcuffed to the banister on the porch by the officers after he raised his hand that he was eighteen years old in response to the officers’ question. Ex. E, p. 52, ln. 1 – p. 53., ln. 4.

83. Darius saw about four to five officers at the scene. Ex. E, p. 41, ln. 11 – 12.

84. Darius did not remember what the officers looked like that were on the front porch other than that one was skinny and tall, and that there was another one with a ponytail that came later. Ex. E, p. 42, ln. 20 – p. 43, ln. 4.

85. The officers were trying to get in the house but his uncle Derrick would not let them inside. Ex. E, p. 43, ln. 12 – 24.

86. Officer McClendon shoved his way into the front door of the Stepney house at the same time that the first officers entered the Stepney home. Ex. E., p. 44, ln. 12 – p. 45, ln. 24.

87. Six or seven officers came to the front of the house and two were in the back. Ex. E, p. 47, ln. 2 - 12.

88. Darius could not describe the officers that arrived other than a thin officer with ponytail, a skinny bald-headed officer, and a “light-skinned” one. Ex. E, p. 47, ln. 13 – p. 48, ln. 24.

89. Darius did not know Officer McClendon on the date of the incident, but Officer McClendon was pointed out to him days later as one of the officers that was at the house by his uncle Derrick. Ex. E, p. 49, ln. 3 – p. 50, ln. 5.

90. Six or seven officers entered the Stepney home. Ex. E, p. 84, ln. 13 – 20.

91. Darius saw an officer on a motorcycle arrive, but the officer on the motorcycle did not go in the Stepney home. Ex. E, p. 85, ln. 4 – 7.

92. Darius saw the tall, skinny officer inside the Stepney house asking his mother if the officers could search. Ex. E, p. 86, ln. 9 – 23; p. 91, ln., 22 – p. 92, ln. 18.

93. Officer McClendon began arguing with Dorian when Officer McClendon entered the Stepney house. Ex. E, p. 101, ln. 4 – 10.

94. After arguing with Dorian for approximately ten to fifteen minutes, Darius saw Officer McClendon shove Cynthia Stepney and choke Dorian Stepney. Ex. E, p. 103, ln. 18 – p. 105, ln. 4.

95. Cynthia Stepney struck a table after she was shoved, which caused a crack in the table. Ex. E, p. 108, ln. 2 – p. 109, ln. 2.

96. Darius saw officers go downstairs inside the Stepney home and into his room. Ex. E, p. 128, ln. 24 – p. 129, ln. 3.

By Derrick Stepney:

97. Derrick Stepney was home with several family members and friends the night of August 28, 2007. See Deposition of Derrick Stepney, attached hereto as Exhibit F, p. 15, ln. 8 – p. 16, ln. 2.

98. Derrick saw eight or nine officers in his home that night but could only identify Officer McClendon by name. Ex. F, p. 16, ln. 24 – p. 17, ln. 6.

99. Derrick was only able to describe one other officer, who he stated was a “big, tall one” with a medium complexion, approximately “5 feet 9 inches, 6 feet” tall, “not real heavy.” Ex. F, p. 20, ln. 5 - 18.

100. Derrick states that the “big, tall” officer was the one that spoke to his sister Cynthia and the one who wanted to come in the house. Ex. F, p. 20, ln. 19 – p. 21, ln. 4.

101. Derrick saw both Tristan and Dorian handcuffed on the front porch of the Stepney house. Ex. F, p. 29, ln. 11 – 24.

102. Derrick saw Dorian handcuffed to a banister. Ex. F, p. 30, ln. 3 – 20.

103. Dorian was handcuffed after Officer McClendon had grabbed Dorian by the neck. Ex. F, p. 31, ln. 10 – 24.

104. Officer McClendon entered the Stepney house approximately ten to fifteen minutes after the first big, tall officer had already entered the house. Ex. F, p. 34, ln. 23 – p. 35, ln. 9.

105. The big, tall officer was the only police officer in the Stepney home for ten to fifteen minutes before Officer McClendon arrived with another officer. Ex. F, p. 36, ln. 4 – 21.

106. Derrick could only describe the officer that entered the home with Officer McClendon as “black.” Ex. F, p. 39, ln. 19 – p. 40, ln. 10.

107. Derrick saw Officer McClendon was in the Stepney house for approximately twenty minutes before Officer McClendon choked Dorian. Ex. F, p. 42, ln. 3 – 23.

108. Derrick saw Officer McClendon choked Dorian for approximately five minutes. Ex. F, p. 47, ln. 23 – p. 48, ln. 5.

109. Derrick saw Officer McClendon knock Cynthia Stepney out of the way when Officer McClendon went to strike Dorian. Ex. F, p. 50, ln. 6 – 21.

110. After Derrick saw Cynthia Stepney get knocked, he saw her go down, and then saw a table shatter into little pieces. Ex. F, p. 52, ln. 21 – p. 53, ln. 8.

111. Derrick saw Officer McClendon go down to the basement and look into all of the rooms downstairs. Ex. F, p. 55, ln. 16 – p. 56, ln. 23.

112. Derrick did not see any officer besides Officer McClendon leave the living room of the Stepney home. Ex. F, p. 87, ln. 12 – 17.

113. Derrick could not recall any supervisor coming out to the house after the incident. Ex. F, p. 64, ln. 7 – 13.

By Toni Stepney:

114. Toni Stepney was sitting on the porch of her home with her siblings, cousins and friends on the night of August 28, 2007 when she saw police officers across the street going from door to door, inside, and checking garbage cans. See Deposition of Toni Stepney, attached hereto as Exhibit G, p. 57, ln. 18 – p. 59, ln. 8.

115. Toni saw about three officers speaking with neighbors door to door and searching garbage cans for about two to three hours. Ex. G, p. 65, ln.7 – p. 66, ln. 5.

116. Toni could not describe the officers other than that they were all male and that none were wearing a uniform, and that there were both “Caucasian” and “black” officers. Ex. G, p. 63, ln. 17 – p. 64, ln. 3; p. 69, ln. 9 – 10.

117. Toni did not see any officer wearing a police uniform with a white shirt. Ex. G, p. 64, ln. 4 – 6.

118. Toni could not describe the officer that approached the porch and asked to speak to a parent. Ex. G, p. 72, ln. 7 – 9.

119. Toni saw one officer handcuff Tristan that was either “light-skinned” or “Caucasian.” Ex. G, p. 77, ln. 3 – 11.

120. Toni saw two plain-clothed officers inside the Stepney home. Ex. G, p. 85, ln. 15 – 21.

121. Toni recognized Officer McClendon in the Stepney living room. Ex. G, p. 89, ln. 1 – 8.

122. Toni took her cousin Robin’s baby into a bedroom for about an hour. Ex. G, p. 90, ln. 20 – p. 91, ln. 15.

123. When Toni came out of the bedroom, Tristan was no longer handcuffed, and Toni saw two officers on the Stepney’s porch, but she could not describe the officers on the porch. Ex. G, p. 91, ln. 22 – p. 92, ln. 11.

124. Toni did not see any supervising officer arrive at the Stepney house that night. Ex. G, p. 98, ln. 11 – 13.

By Rodney Stepney:

125. Rodney Stepney was home with his siblings, cousins, and friends when he saw officers with flashlights looking at every house on the block. See Deposition of Rodney Stepney, attached hereto as Exhibit H, p. 63, ln. 10 – 16.

126. A “tall and bald-headed” and “thin” African American male officer in his twenties wearing a vest and jeans approached the Stepney house and asked to speak to the guardian. Ex. H, p. 63, ln. 10 – p. 64, ln. 15.

127. A second officer approached with the first who was “Caucasian” and who had a “long ponytail” and was wearing a vest and jeans. Ex. H, p. 65, ln. 10 – p. 66, ln. 9.

128. The bald-headed officer “slapped” the cuffs on Tristan after Rodney’s mother Cynthia Stepney told the officers that they could not search her home. Ex. H, p. 72, ln. 4 – p. 73, ln. 5.

129. The officers went in the house anyway, followed by other officers, including Officer McClendon. Ex. H, p. 81, ln. 23 – p. 82, ln. 14.

130. Officer McClendon arrived with two male plain-clothed police officers, but Rodney could only describe one as a “chubby, Caucasian” officer, about six feet two inches tall, that was wearing a Cincinnati Bengals jersey. Ex. H, p. 87, ln. 8 – p. 90, ln. 2.

131. Officer McClendon entered the Stepney house approximately three to four minutes after the bald-headed officer entered. Ex. H, p. 86, ln. 21 – p. 87, ln. 7.

132. Only Officer McClendon and the officer in the jersey entered the Stepney home, leaving the third officer outside. Ex. H, p. 90, ln. 12 – 23.

133. The bald-headed officer and the officer with the ponytail told Rodney to go inside of the house. Ex. H, p. 91, ln. 12 – 20.

134. More officers arrived, but these officers did not enter the house and Rodney could not describe them other than that they were male and in street clothes. Ex. H, p. 95, ln. 3 – 24; p. 97, ln. 4 – p. 98, ln. 2.

135. Rodney did not see any police officers in uniform wearing a white shirt. Ex. H, p. 96, ln. 17 – 19.

136. Rodney saw only four officers, Officer McClendon, the bald-headed officer, the officer with the ponytail, and the officer wearing the jersey, enter the Stepney home. Ex. H, p. 102, ln. 19 – p. 103, ln. 2.

137. Rodney saw his uncle Jefty follow the bald-headed officer down to the basement. Ex. H, p. 108, ln. 22 – 24.

138. Officer McClendon immediately had an altercation when he entered the house, at which time the bald-headed officer was on the porch. Ex. H, p. 110, ln. 16 – 24.

139. Rodney did not see the officer with the ponytail in the house when Officer McClendon had an altercation inside the home. Ex. H, p. 111, ln. 3 – 14.

140. When Officer McClendon choked Dorian, two other officers grabbed Cynthia Stepney and she fell to the ground. Ex. H, p. 113, ln. 5 – 112.

141. Rodney could not describe the officers that grabbed Cynthia. Ex. H, p. 121, ln. 23 – p. 123, ln. 6.

142. Officer McClendon then used both hands to punch Dorian in the chest like a boxer. Ex. H, p. 116, ln. 8 – 23.

143. Officer McClendon did not have any physical contact with Cynthia Stepney. Ex. H, p. 123, ln. 7 – 9.

144. Rodney saw an officer's hand hit his mother's nose, but the contact that one of the officer's hands had with Cynthia Stepney's nose looked unintentional to Rodney. Ex. H, p. 123, ln. 14 – p. 124, ln. 6.

145. Rodney saw the two officers who had grabbed his mother then grab Dorian and handcuff Dorian and walk Dorian out of the house, but Rodney could not describe the officers. Ex. H, p. 126, ln. 23 – p. 128, ln. 2.

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146. Officer McClendon noticed that a gentleman was handcuffed when he approached the porch of the Stepney house, but did not know who the person was or why the person was handcuffed. See Deposition of Officer McClendon, attached hereto as Exhibit I, p. 135, ln. 23 – p. 138, ln. 2.

147. Officer McClendon did not see any young men in the back of a police car at the Stepney's home that evening. Ex. I, p. 140, ln. 6 – 8.

148. The only officers that entered the Stepney house were Officers McClendon, Branch, and Cuadrado. Ex. I, p. 144. ln. 17 – 19.

149. Officer Hawkins handcuffed young male on the porch at the Stepney without assistance from any officer. See Deposition of Officer Hawkins, Exhibit J, p. 161, ln. 8 – p. 165, ln. 23.

150. Officers Hein and Teresi escorted a young male that Officer Hawkins had handcuffed to a police vehicle for a short period of time. See Deposition of Officer Teresi, attached hereto as Exhibit K, p. 86, ln. 18 – p. 88, ln. 23; See Deposition of Officer Hein, attached hereto as Exhibit L, p. 90, ln. 3 – p. 94, ln. 8.

151. Officer Maldonado did not have contact with anyone at the Stepney house, did not see anyone in handcuffs at the Stepney house, and did not see any incident take place at the Stepney home. See Deposition of Officer Maldonado, Exhibit M, p. 86, ln 14 – p. 90, ln. 24.

152. Sergeant Waller saw Cynthia Stepney briefly outside her home engaged in conversation with Officer McClendon, and then left the scene without having any further contact with any Plaintiff. See Deposition of Sergeant Waller, attached hereto as Exhibit N, p. 62, ln. 16 – p. 66, ln. 11.

153. Sergeant Schulz was dispatched to go to the Stepney's home on August 27, 2008, in response to a request for a supervisor. See Deposition of Sergeant Schulz, Exhibit O, p. 17, ln. 17 – p. 19, ln. 1.

154. Sergeant Schulz was dressed in his police uniform with a white shirt on August 28, 2007. Ex. O, p. 36, ln. 15 – 20.

155. No one appeared to be home at the Stepney house when Sergeant Schulz arrived. Ex. O, p. 43, ln. 18 – 20.

156. Sergeant Schulz knocked or rang the door at the Stepney house that evening and no one answered. Ex. O, p. 61, ln. 8 – 17.

157. Sergeant Schulz did not see any officers or other persons on scene when he arrived at the Stepney house. Ex. O, p. 61, ln. 18 - 22.

Respectfully submitted,

/s/ Susan E. Sullivan

Susan E. Sullivan

SWANSON, MARTIN & BELL, LLP

330 North Wabash Avenue, Suite 3300

Chicago, Illinois 60611

(312) 321-9100

Atty. No. 06238201

Email: ssullivan@smbtrials.com

As Attorneys for Defendants